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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,514	09/30/2003	Hideaki Miyoshi	243294US6YA	1592
22850	7590	04/04/2006		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ARANCIBIA, MAUREEN GRAMAGLIA	
			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C1

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/673,514	Applicant(s) MIYOSHI ET AL.	
	Examiner Maureen G. Arancibia	Art Unit 1763	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-19.
Claim(s) withdrawn from consideration: 20-49.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


PARVIZ HASSANZADEH
SUPERVISORY PATENT EXAMINER

Continuation of 5. Applicant's reply has overcome the following rejection(s): The rejection of Claims 1-19 under 35 U.S.C. 112, second paragraph, set forth in Paragraph 3 of the final office action; the rejection of Claims 5, 13, 14, and 17 under 35 U.S.C. 112, second paragraph, set forth in Paragraph 4 of the final office action.

Continuation of 11. does NOT place the application in condition for allowance because:
The claims, as amended, would still be rejected over the art and grounds of record.

Specifically, the method recited in independent Claim 1, as amended, does not patentably distinguish over the teachings of Tashiro et al. As discussed in Paragraph 7 of the final office action, Tashiro et al. teaches igniting a plasma by applying to a first electrode 110 (Figure 1) in the processing chamber a first RF signal at a first RF frequency from a first RF power source 114 to ignite the plasma, and thereafter providing to the first electrode 110 (Figure 1) a second RF signal at a second RF frequency from second RF power source 115 (EMT, Paragraphs 27, 31, and 49), and sustaining the plasma using the second RF signal applied to the first electrode 110 (EMT, Paragraph 25). The method recited in Claim 1 does not exclude the second RF signal from participating in the ignition process, but only requires that the first RF signal participate in igniting the plasma. Moreover, Tashiro et al. expressly teaches that the second RF signal is applied after ignition of the plasma by the first RF signal ("if discharge begins, the VHF RF of 50W will be impressed from a VHF power source;" EMT, Paragraph 30).

In regards the Applicant's argument that Tashiro et al. does not teach that the first and second RF signals are applied to the same electrode, the Examiner must disagree. See for example, Figure 1, where the first and second RF power sources 114, 115 for supplying the first and second RF signals are both coupled to the same electrode 110. The English Machine Translation calls the powered electrode "the second electrode" in Paragraph 22, and calls it "the first electrode" in Paragraph 23, but a careful reading reveals that in each paragraph individually, the first and second power sources are both coupled to the same electrode, that holding the substrate to be processed. See also the English Abstract, Constitution.

Maureen J. Francis